

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

RECEIVED AUG 01 2019

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Michael Miles Lindsay,
PLAINTIFF[S]

VS.

Re: Case No. 1:19-cv-00029-LTS-KEM

Nicole Francis, Advanced Registered Nurse
Practitioner IMCC
Stephanie Schmidt, Registered Nurse IMCC
First Name Unknown (Jane Doe), Pharmacist IMCC
First Name Unknown (John Doe), Physician IMCC
First Name Unknown (Jane Doe-1), Registered
Nurse IMCC
First Name Unknown (Jane Doe-2), Registered
Nurse IMCC
Daniel Forbes, Correctional Officer IMCC
Franklin Selden, Correctional Officer IMCC
Individually and in there Official Capacity,
DEFENDANT[S]

AMENDED COMPLAINT

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3 Comes now, the plaintiff pro se would request respectfully an answer for the following complaint
4 against the defendants.

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I. JURISDICTION & VENUE

a) This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the constitution of the United States. The court has jurisdiction under 28 U.S.C Section 1331 and 1343 (a) (3, 4). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure. Plaintiffs' Plaintiff also seeks Monetary Compensation in the amount of \$580,000.00.

b) The United States District Court for the Eastern District of Iowa is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF[S]

a) Plaintiff, Michael Miles Lindsay is and was at all times mentioned herein a prisoner of the state of Iowa in the custody of the Iowa Department of Corrections. He is currently confined in Iowa Medical Classification Center (IMCC), in Coralville, Iowa.

III. DEFENDANT[S]

- For the honorable judge residing in this case it should be noted that the plaintiff is unsure of some of the defendant's names as a result of lack of cooperation from the Department of Corrections staff and limited funds.

a) Defendant, Nicole Francis is the advanced registered nurse practitioner (ARNP) of Iowa Department of Corrections who at all times mentioned in this complaint was employed at Iowa Medical Classification Center in Coralville, Iowa.

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b) Defendant, Stephanie Schmidt is the Registered Nurse (RN) of the Iowa

Department of Corrections who at all times mentioned in this complaint was employed at Iowa

Medical Classification Center in Coralville, Iowa

c) Defendant, First Name Unknown (Jane Doe) is the Pharmacist of the Iowa

Department of Corrections who at all times mentioned in this complaint was employed at Iowa

Medical Classification Center in Coralville, Iowa.

d) Defendant, First Name Unknown (John Doe) is the Physician of the Iowa

Department of Corrections who at all times mentioned in this complaint was employed at Iowa

Medical Classification Center in Coralville, Iowa

e) Defendant, First Name Unknown (Jane Doe-1) is a Registered Nurse (RN) of the

Iowa Department of Corrections who at all times mentioned in this complaint was employed at

Iowa Medical Classification Center in Coralville, Iowa.

f) Defendant, First Name Unknown (Jane Doe-2) is a Registered Nurse (RN) of the

Iowa Department of Corrections who at all times mentioned in this complaint was employed at

Iowa Medical Classification Center in Coralville, Iowa.

g) Defendant, Daniel Forbes is a Correctional Officer (CO) of the Iowa Department

of Corrections who at all times mentioned in this complaint held the rank of Sergeant and was

assigned at Iowa Medical Classification Center in Coralville, Iowa.

h) Defendant, Franklin Selden is a Correctional Officer (CO) of the Iowa

Department of Corrections who at all times mentioned in this complaint held the rank of

Sergeant and was assigned at Iowa Medical Classification Center in Coralville, Iowa.

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- Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

IV. FACTS

a) On 10-26-2018 plaintiff Lindsay was incarcerated in the Iowa Department of Corrections at Iowa Medical Classification Center (IMCC) in Coralville, Iowa. Also On 10-26-2018 defendant Nicole Francis (ARNP) interviewed plaintiff Lindsay and established duty with said plaintiff. Upon what defendant Nicole Francis told the plaintiff she reviewed his past and current medical and mental health history, infectious disease and immunization status in order to develop a health care plan in coordination with the interdisciplinary health care team assigned to said plaintiff Lindsay as he is/has been a type 1 insulin dependent Diabetic. Health care plan was scheduled blood sugar checks 4 times a day along with sliding scale insulin (Regular) per blood sugar results, as well as long acting (Detimerr) insulin at p.m. insulin line.

b) On 11-5-2018 plaintiff Lindsay went to his scheduled 4:30 a.m. blood sugar/insulin administration line per defendant Nicole Francis's orders. Defendant First Name Unknown (Jane Doe-1) informed plaintiff Lindsay upon completion of his blood sugar which was above 300 that there was no order for his short acting/regular insulin which breached above duty established by defendant Nicole Francis and that he would have to wait till the following day (11-6-2018) until he could see a doctor to have his insulin order renewed as one was not available at that time. This is a violation of Institutional Policy Chapter 6. Health Services/sub chapter. Administration/Subject. Administration Organization of Health Services #6. Medical Staff/section-c "Develop medical treatment plans and initiate therapy and monitoring of interventions, including ordering and renewing medication" and section-g" Provide 24/7 onsite

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76 or on call physician services". Plaintiff Lindsay returned to his assigned unit without proper and
77 adequate medical attention.

78 c) On 11-5-2018 at approximately 10:20 a.m. plaintiff Lindsay went to his next
79 scheduled blood sugar/insulin administration line where his blood sugar upon rechecking had
80 increased leaving plaintiff Lindsay in need of his short acting/regular insulin. Defendant FNU
81 (Jane Doe-1) again told plaintiff Lindsay that there were no orders for insulin and that plaintiff
82 Lindsay would have to wait till the following day (11-6-2018). This is a violation of Institutional
83 Policy Chapter 6. Health Services/sub chapter. Administration/Subject. Administration
84 Organization of Health Services #6. Medical Staff/section-c "Develop medical treatment plans
85 and initiate therapy and monitoring of interventions, including ordering and renewing
86 medication" and section-g" Provide 24/7 onsite or on call physician services". Plaintiff Lindsay
87 insisted that he needed his medication to no avail and returned to his assigned unit again
88 without receiving proper and adequate medical attention.

89 d) On 11-5-2018 at approximately 4:20 p.m. plaintiff Lindsay went to his next
90 scheduled blood sugar/insulin administration line where his blood sugar upon rechecking had
91 increased even more once again leaving plaintiff Lindsay in need of his short acting/regular
92 insulin once again. Defendant First Name Unknown (Jane Doe-2) told plaintiff Lindsay that there
93 were still no orders for insulin and that plaintiff Lindsay needed to wait till the following day (11-
94 6-2018). This is a violation of Institutional Policy Chapter 6. Health Services/sub chapter.
95 Administration/Subject. Administration Organization of Health Services #6. Medical
96 Staff/section-c "Develop medical treatment plans and initiate therapy and monitoring of
97 interventions, including ordering and renewing medication" and/section-g." Provide 24/7 onsite
98 or on call physician services". Plaintiff Lindsay informed appropriate staff that he needed his

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medication but was dismissed and told to return to his assigned living unit leaving plaintiff Lindsay without his short acting/regular insulin.

e) On 11-5-2018 at approximately 9:30 p.m. plaintiff Lindsay went to his last scheduled blood sugar/insulin administration line for the day. Plaintiff Lindsay checked his blood sugar which by this time was over 500 as a result of lack of proper medication/treatment. Defendant Stephanie Schmidt informed plaintiff Lindsay that with his blood sugar being so high he needed insulin and upon information and belief called defendant First Name Unknown (John Doe) to get appropriate orders for short acting/regular insulin. The order for insulin given by defendant First Name Unknown (John Doe) was believed to be dangerous to plaintiff Lindsay's health upon information and belief as plaintiff Lindsay voiced his concerns with defendant[s] Stephanie Schmidt and defendant First Name Unknown (John Doe) about fear of such a high dose. Defendant[s] Stephanie Schmidt and defendant First Name Unknown (John Doe) insisted despite plaintiff Lindsay's concerns that the dose of insulin was fine and that they are "trained Medical Personnel". Defendant Stephanie Schmidt even reassured plaintiff Lindsay that she herself was an insulin dependent Diabetic and that plaintiff Lindsay would be ok. Plaintiff Lindsay asked for a lower dose of short acting/regular insulin and again was reassured by defendant Stephanie Schmidt and defendant First Name Unknown (John Doe) that it was safe.

f) Plaintiff Lindsay took the dose of insulin recommended by defendant[s] Stephanie Schmidt and First Name Unknown (John Doe) and returned to his assigned unit. At an unknown time during the night plaintiff Lindsay suffered from a seizure due to lack of proper insulin dosing throughout the day and night of 11-5-2018. Two cellmates of plaintiff Lindsay's (Dylan Mennenga/Ronald Moore) upon information and belief are credited for saving his life as they heard him screaming during the seizure and went to get appropriate staff. During the

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above incident defendant[s] Daniel Forbes and defendant Franklin Selden are said upon information and belief to have been laughing and joking with each other stating that the plaintiff was "dead" and that "he didn't make it". This behavior shows malicious negligence on the part of security staff. As a result of the seizure plaintiff Lindsay suffered multiple injuries including "severe oral trauma" as he bit his tongue during the seizure and upon information and belief, a small bone fracture in his left elbow. Plaintiff Lindsay was put on a "dental soft" diet for approximately 14 days as he could no longer chew and was given an ace bandage wrap for his left elbow injury. Plaintiff Lindsay also expressed to staff multiple times after the seizure that he now fears going to sleep at night alone for fear of suffering another seizure due to lack of proper medical care. Approximately 8 days after the seizure plaintiff Lindsay complained to Medical Staff of pain in the left side of his neck. Responding staff informed plaintiff Lindsay upon information and belief that the pain in his neck was an infection as a result of his biting of his tongue during his seizure and prescribed plaintiff Lindsay Doxycycline which is an antibiotic.

g) On 11-15-2018 plaintiff Lindsay reported to his scheduled insulin line at approximately 9:30 p.m. to check his blood sugar and receive his insulin. Defendant First Name Unknown (Jane Doe-2) told Lindsay upon completion of his blood sugar that he would be receiving 14 units of his short acting (regular) insulin. defendant First Name Unknown (Jane Doe-2) told plaintiff Lindsay that the dose being offered to him was what was ordered by defendant First Name Unknown (Jane Doe-2) and that he was to either take it or not. Plaintiff Lindsay asked to see the order and visually seen the order defendant First Name Unknown (John-Doe-1) had ordered which was 14 units of short acting (regular) insulin. Plaintiff Lindsay took the insulin and returned to his unit. At approximately 10:00 p.m. defendant First Name Unknown (Jane Doe-2) Showed up to plaintiff Lindsay's unit and asked him if he felt ok and to inform Lindsay that there was a mistake and that he had received too much insulin (3 times

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original amount). It is the pharmacists' responsibility per IDOC policy and procedure (HSP-101-9) to provide a mechanism to identify medication errors, trending and resolution of issues through quality improvement initiatives. Plaintiff Lindsay was deprived of sleep on top of emotional duress as this has now happened on multiple occasions and could have been prevented. He was constantly woken up during the night to check his sugars, he told the nurse it was too much insulin.

V.EXHAUSTION OF LEGAL REMEDIES

a) The plaintiff has filed multiple grievances dated 11/26/2018 and has exhausted his legal requirements under the P.L.R.A. for the information of the honorable judge residing in this case. Which if needed can be sent to the judge, to show denial of summary judgment if and when filed by the defendants.

VI.LEGAL CLAIMS

a) Plaintiffs re-allege and incorporate by reference paragraphs 1-21.

b) The deliberate difference to serious medical needs, medical malpractice and denial of adequate medical care created a substantial risk of serious harm and violated plaintiff Michael Miles Lindsay's rights and constituted cruel and unusual punishment, deliberate indifference and a due process violations under the 8th and 14th amendment to the United States Constitution.

c) The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the defendants unless the court grants the declaratory and injunctive relief which the plaintiff seeks.

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VII. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

- a) A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.
- b) A preliminary and permanent injunction ordering defendants Nicole Francis, Advanced Registered Nurse Practitioner IMCC, Stephanie Schmidt, Registered Nurse IMCC, First Name Unknown (Jane Doe), Pharmacist IMCC, First Name Unknown (John Doe), Physician IMCC, First Name Unknown (Jane Doe-1), Registered Nurse IMCC, First Name Unknown (Jane Doe-2), Registered Nurse IMCC to immediately stop denying plaintiff adequate medical care.
- c) Compensatory damages in the amount of \$500,000.00 against each defendant, jointly and severally.
- d) Punitive damages in the amount of \$10,000.00 against each defendant.
- e) A jury trial on all issues triable by jury.
- f) Plaintiff's costs in this suit.
- g) Any additional relief this court deems just, proper and equitable.

Dated: 7-30-19

Respectfully submitted,



Michael Miles Lindsay
Iowa Medical Classification Center
2700 Coral Ridge Ave.
Coralville, Iowa 50501

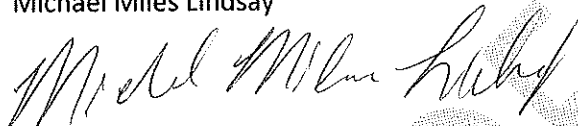
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VERIFICATION

- I have read the foregoing complaint and hereby verify that the matters alleged therein
are true, except as to matters alleged on information and belief, and, as to those, I believe them
to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Coralville, Iowa on July 23, 2019.

Signature
Michael Miles Lindsay

A handwritten signature in cursive script, appearing to read "Michael Miles Lindsay", is written over the printed name. A large, diagonal, semi-transparent watermark reading "CONFIDENTIAL" is overlaid across the center of the page.

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FOR THE NORTHERN DISTRICT OF IOWA

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Michael Miles Lindsay,
Plaintiff[s],

VS.

Nicole Francis, Advanced Registered Nurse
Practitioner IMCC

Stephanie Schmidt, Registered Nurse IMCC

First Name Unknown (Jane Doe-1), Pharmacist IMCC

First Name Unknown (John Doe-1), Physician IMCC

First Name Unknown (Jane Doe-2), Registered Nurse
IMCC

First Name Unknown (Jane Doe-3), Registered Nurse
IMCC

Daniel Forbes, Correctional Officer IMCC

Franklin Stedson, Correctional Officer IMCC

Defendant[s],

Case No. 1:19-cv-00029-LTS-KEM

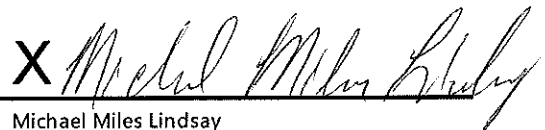
SUMMONS

TO THE ABOVE-NAMED DEFENDANT[S]:

You are hereby summoned and required to serve upon plaintiff[s], whose address is Iowa Medical Classification Center 2700 Coral Ridge Ave. Coralville, Iowa 50501 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. Government or officer/ agent thereof is a defendant. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

: Clerk of Court

Date: _____

X 
Michael Miles Lindsay

MICHAEL LINDSAY # 6153064
IMCC
2700 CORAL RIDGE RD.
CORALVILLE, IA
52241

CLERK U.S. DISTRICT COURT
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